

Article - Environment

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§5–507.

(a) Before acting on any permit application, the Department shall weigh all respective public advantages and disadvantages and make all appropriate investigations. If the Department believes from the evidence before the Department and based upon State water resources policy declared in this subtitle that the applicant's plans provide greatest feasible utilization of the waters of the State, adequately preserve public safety, and promote the general public welfare, the Department shall grant the permit to appropriate or use the waters, construct, reconstruct, or repair the proposed reservoir, dam, or waterway obstruction, or accomplish any combination of these objectives. If the Department believes from the evidence before the Department that the proposed appropriation or use of State waters or proposed construction is inadequate, wasteful, dangerous, impracticable or detrimental to the best public interest, the Department may reject the application or suggest modifications to the proposed plans to protect the public welfare and safety.

(b) (1) In granting any permit to appropriate or use water or construct any reservoir, dam or waterway obstruction, the Department may include any condition, term, or reservation concerning the character, amount, means, and manner of the appropriation or use or method of construction necessary to preserve proper control in the State and insure the safety and welfare of the people of the State. The Department may determine and specify what provisions to make, if any, in each permit granted to construct a dam or other waterwork for passage of fish.

(2) Any measuring and reporting of water use required of a permittee by the Department shall be effective and reasonable under the circumstances.

(3) Any regulations concerning measuring and reporting of agricultural water use or determination of aquifer or stream flow characteristics prior to issuance of a water appropriation permit for an agricultural water use shall be adopted by the Department with the advice and consent of the Secretary of Agriculture.

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